

**PROCEEDINGS OF THE BROWN COUNTY
CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County Criminal Justice Coordinating Board was held on January 21, 2016 at 8:00 am in the Truttman Room of the Brown County District Attorney's Office, 300 East Walnut Street, Green Bay, Wisconsin.

Present: Judge Walsh, David Lasee, Cressy Birder, Michelle Timm, Tera Teesch, John Vander Leest, Joe Torres, Erik Pritzl, Larry Malcomson, John Gossage, Supervisor Evans
Excused: Tim Mc Nulty

1. **Call Meeting to Order.**

The meeting was called to order by Chair Judge Walsh at 8:03 am.

2. **Approve/Modify Agenda.**

Motion made by Erik Pritzl, seconded by Supervisor Evans to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

3. **Approve/modify minutes of November 19, 2015.**

Motion made by Tera Teesch, seconded by Sheriff Gossage to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

4. **Presentation regarding screening process for Treatment Courts (Joe Torres).**

Treatment Court Coordinator Joe Torres said that referrals to the treatment courts can come from any concerned community individual. Most commonly they come from public defenders, defense attorneys and AODA providers. The initial referrals come directly to Torres and he in turn gets an application out to the person along with a copy of the participant contract which the attorney goes over with the client. The participant contract expresses and highlights all of the requirements of participating in the program so the participant is aware of what is involved. Once Torres gets the completed application the screening process starts. The first step is for Torres to provide a copy of the application to the District Attorney's office where a legal screening is conducted to be sure that the participant does not have a history of violent crimes and that the person would not pose a serious risk to public safety by being involved in the treatment courts instead of incarcerated. Once the application passes the DA's office, Torres sets up a screening with the participant. There are a number of tools used in this phase. The first screening is RANT (Risk and Needs Triage Assessment) and this helps highlight where the individual falls with regard to their risk and needs factors such as what the likelihood that the individual will continue to be involved in the criminal justice system is if they are not supervised appropriately or given treatment services. A bio psycho social assessment is also done along with three different screening schedules to assess where the individual falls with regard to drug, alcohol and chemical dependency issues, to see where they are at with their thinking process and if they are really at a point where they are looking to make a change in their behavior and finally, there is an assessment to determine their level of criminal thinking.

Torres continued that in the first 30 days of the program, the focus is on stabilization including getting the participant stable housing and getting them into AODA services as well as getting them comfortable and oriented to the treatment court program and its expectations. Once the participant is stabilized, the criminal thinking is addressed along with cognitive issues to help them make longstanding changes and immerse themselves in the AODA treatment.

Torres said the initial screen takes between 2 – 2 ½ hours. After the screening is done, a summary of the screening is prepared and presented to the treatment court team. Prior treatment records are also gathered. The team then discusses the case and provides a recommendation as to whether or not to accept the person into the treatment courts.

Supervisor Evans thanked Torres for the report and asked how many people typically screen out of the process. Torres said he did not have a hard number but currently there are 10 people in the process of enrolling in the drug court and there has been one that has screened out. Evans asked Torres if he has a background in the screening process and Torres indicated that he did. DA David Lasee added that his office also conducts screenings and if a potential participant has certain disqualifying crimes they would not be allowed into the treatment court program. Evans asked if the psychological care questions could screen someone out of the program and Torres said that it would not screen them out of a treatment court, but it could change what court they are accepted into. Evans asked who put the Brown County screening form together and Torres said they used a standard form and restructured it a little bit to make it easier to answer on a computer. Evans was concerned with some of the questions such as if a person is pregnant, if there are past miscarriages or STD history and other questions. He felt that those questions teeter on things they should not be asking. Torres responded that there can be some pretty significant trauma related to some of those things that could directly relate to drug use. Knowing about these past issues helps to determine what services an individual may need and addressing any past traumas that could have lingering effects on ongoing stability in the community is important. Torres said they also ask about personal relationships and family history. Human Services Director Erik Pritzl added that all of that personal information is to get to the drug and alcohol use or abuse and what is driving it to come up with the appropriate treatment and resources.

A question was asked as to who the screens are shared with. Torres stated that the screens are typically only used in the treatment court program. Judge Walsh noted that as being on the heroin team, he has never seen the screening documents. He has never asked and been denied, he has just never asked. He stated that they rely on the recommendation of the coordinator. Evans asked Judge Walsh if he felt it would be beneficial to see the screening documents and Judge Walsh stated that he did not feel it would be beneficial because he is not an AODA expert and he relies on the information provided by the people who work in AODA for a living.

Evans thanked Torres for his presentation and indicated he was happy to see it on the agenda.

5. TAD Grant programs (David Lasee).

District Attorney David Lasee indicated that they continue to move forward. He said he had recently met with Joe Torres to talk about the direction of the diversion program and they shared some ideas that tied in with the day report center that is being discussed at the mental health ad hoc committee established by the Human Services Committee. Lasee continued that people in the treatment court are people that have been charged with a crime and are already in the system. The idea with the diversion program is that before someone comes into the criminal justice system, the case would be referred to the DA's office from law enforcement, the DA's office would review the referral and make a determination that rather than issuing charges, the individual could be referred to the diversion program which would allow them to get services on the front end. This would be for low risk, low need offenders who have gone through a screening to determine their risk. At that point, they would enter the diversion program and receive the appropriate treatment for what their needs are. If the program is completed successfully, the individual would avoid being charged altogether. This would keep them out of the criminal justice system and avoid a conviction and all of the repercussions that go with it and reduce the resources used by the system for those lower risk people. The idea is to save the system costs as well as benefiting the participant who just having contact with law enforcement and the possibility of being in the system will be enough to deter them from future behavior.

Lasee continued that the trick is identifying these people as they have not had great success with the provider they started out with. He felt that better services may be delivered with the day report center model. A day report center would also give the DA's office a greater level of comfort in saying that people actually have to do something. He said that Brown County seems to abuse probation by sentencing everyone to probation. He said that Brown County has a very high number of people on probation which also results in a lot of people ending up in the jail for minor probation violations. Michelle Timm of Probation and Parole agreed with this and said that Brown County is just behind Milwaukee and Madison in probation numbers. Lasee stated that people are placed on probation that do not necessarily need to be placed on probation. There are other options such as fines, community service, etc. He said that the standard in his office is to put someone on probation and see how it goes rather than placing them in jail. Sometimes the perspective in the DA's office is that they do not know enough about a person because they have not dealt with them prior to adjudication so it is easier and more comfortable to place them on probation. A better model may be to place someone on bond, and rather than having them do nothing while the case goes through the system, have them do something right after the offense such as receive services or whatever they have to do on the front end. Then, when the case moves forward, the defense attorneys are able to say that their client did these things to help themselves and the DA's office is then more apt to recommend a fine instead of jail. Lasee said that there is no formal structure to do this at this time, but the day report model will be useful in this as well as diversion as talked about earlier. It would be used as a pre-trial tool so the DA's office does not have to continue to put people on probation. Lasee would like to see the default recommendation of probation changed.

Judge Walsh asked the status of the day report center. Lasee stated that the County Board approved funds of \$1.15 million dollars for mental health initiatives and of that, it was estimated that the day report center would be about \$350,000 on an annual basis. The mental health ad hoc committee has been working on this and Lasee is hopeful to have an RFP together in the spring to go out for bids. Erik Pritzl added that once the RFP is drafted it can go to the Human Services Committee to have the discussion to have the funds released and he was hopeful that this could be accomplished during the February or March timeframe.

Vander Leest asked if there were any handouts he could give to people who may come into his office looking for information on the diversion program. Lasee stated that there is nothing at this time, but they can put something together as soon as the program is a little better structured. At this time, if someone is interested in the program, they could contact their defense attorney or the charging DA.

6. Safety Plans (Michelle Timm).

Michelle Timm said that this item appeared on the agenda at the request of Supervisor Evans. She passed around some worksheets that people would fill out for probation officers to formulate plans, but she noted that that is more of a formal approach. She said they are informally doing safety plans all the time that are specifically geared and catered to the individual and the individual situation. Timm gave some examples of plans they put in place for specific situations. She said that the object of the safety plans is to make sure that the individuals are monitored, but allowed a little more freedom for special circumstances. Judge Walsh added that if someone wants to do something special, they need to have permission. If they do not have permission and do it anyway, it would probably result in the individual being sent to jail. Timm said that the probation officers work on skill building with a person to be able to appropriately handle the situation they want to go into as many times they do not know how to handle it appropriately. Timm shared more examples of safety plans they have used in the past. Evans asked if people are tested for drugs and/or alcohol following being allowed to attend special events. Timm responded that all of the people on probation are subject to testing. Torres added that what they do for people in the treatment courts when these situations arise is have them do the safety plan with their probation agent and case manager. In general, all treatment court participants are subject to random testing, but when there is a special event they are required to test the next day so that any problems can be addressed right away, even on the weekends. Evans asked if the

alcohol detecting bracelets could be used. Timm said that some people have that, but not everybody does. She added that at some point these people need to make good decisions on their own and that is part of what the safety planning does.

7. **Mental Health Court (Judge Zuidmulder).**

Judge Zuidmulder was unable to attend this meeting so no report was given.

8. **Heroin/Drug Court (Judge Walsh).**

Judge Walsh recalled that about a year ago when they were doing an assessment of areas they could improve on Judge Zuidmulder made the suggestion that members of this Board get out into the community and speak to service groups about what the Board does. Judge Walsh stated that he has met with three service groups so far and has more appointments on his calendar. He said that one of the most interesting looks on the faces of the people in the organizations come when he talks about this Board and all of the stakeholders that get together here to work on issues. The general perception is that government is so inefficient and the right hand does not know what the left hand is doing and when Judge Walsh talks about whom all attends these meetings, the community is impressed. He then rolls this conversation into the TAD grant and treatment court programs which the community is typically pretty unaware of. He provides the website information to organizations and noted that the website has a lot of information including an application and testimonials and is a good way to get information out there.

Currently there are 17 participants in the heroin court and there are more in the pipes. As Judge Walsh mentioned at prior meetings, the hardest thing is not necessarily getting them off the heroin, it is dealing with the underlying problems that got them into heroin in the first place and these include dysfunctional families, inability to keep a job, no education and sometimes just laziness. Walsh was happy with the progress being made in the Court. Evans would like to have updated numbers for 2015 of participants and graduates to present to the Human Services Committee. Torres will put that together and get it to Evans.

9. **Future Agenda Items, if any.**

Sheriff Gossage said that the jail is currently at 94% capacity and he felt that jail capacity is something that should be a standing item on the agenda. Judge Walsh stated that he shares the jail capacity figures when he goes and talks to the service organizations and people are shocked. Jail Captain Larry Malcomson added that without the electronic monitoring program the jail would be way over capacity. Timm asked if there were numbers available as to how many people are detoxing from heroin in the jail. Gossage said that numbers would be available, but he is not sure if they are broken down specifically as to what a person is detoxing from.

Pritzl stated that another part of the mental health initiative that was discussed earlier is detox services. There is currently a work group working on this with a number of stakeholders including community members, jail staff and the Green Bay Police Department. They are discussing the criteria for detox as they want to focus on incapacitation and not just intoxication. They are currently working on establishing guidelines to determine who should come in for the treatment option and go through the detox process and then figure out the next steps. They are also looking at the alcohol hold process as well as how to motivate someone for treatment to start to decrease repeat jail admissions. Pritzl expected the criteria to be finalized in the next month or so and then it will be brought before the Human Services Committee for approval and then to the County Board to release funding from the mental health initiative.

Pritzl talked about the sequential intercept mapping grant that he brought up at the last meeting. He said the grant was received and thanked those who sent letters in support. Pritzl continued that there were 75 applicants and five sites were

selected and Brown County was one of them. A planning call will be held soon and then the mapping will be scheduled. The focus will be on the first two intercepts which are the initial law enforcement or 911 contact and then the initial appearance in court. Without the grant, the cost of mapping would be \$17,000 - \$20,000. Pritzl will keep this group advised of progress in the mapping process.

10. **Such other matters as authorized by law. None.**

11. **Adjourn.**

Motion made by Michelle Timm, seconded by Dave Lasee to adjourn at 8:50 am. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary